

In response to these arguments, the final Office Action states that the Walker patent discloses loan companies could use the system to insure payment (Column 59, lines 16-20). Using that disclosure, the Office Action states it would be obvious to modify the system disclosed in the Joao patent to use it to ensure loan repayment since missing a payment is the same as stealing. The Office Action goes on to further state that using a payment deadline would have been obvious as that is when the loan payment is required.

However, the claimed feature is initializing a vehicle disabling apparatus or memory by loading a payment interval as recited in independent claims 1 and 11. Neither the Joao patent nor the Walker patent disclose or suggest such an initializing step. Nor would such a step be suggested or obvious as the prior art does not disclose or suggest loading a payment interval for loan repayment, and therefore there would be no motivation to do same in order to effect the initialization of a vehicle disabling device.

As for independent claim 6, although the Joao patent may disclose a plurality of reference codes, it does not disclose or suggest that the reference codes must agree with another code input via a keypad prior to the expiration of a payment interval to prevent disabling the vehicle. The Walker patent does not overcome this deficiency.

Therefore, the Office is relying upon improper hindsight based on the Applicants' specification to teach the claimed invention, and is not relying upon the teachings of the applied prior art. The Joao and Walker patents, either in combination or individually, do not disclose or suggest the features recited in the independent claims.

Accordingly, Applicants respectfully request withdrawal of the 35 U.S.C. §103(a) rejection of claims 1-14 and notification of allowance.

Upon receiving an indication of allowable subject matter, the Applicants will file a Terminal Disclaimer to overcome the double patenting rejection.

The Examiner is invited to contact the undersigned to discuss the instant invention, if such a discussion would advance the prosecution of the present application.

Respectfully submitted,

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